IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 21504 of 1994

Between:

1 Gangadhar S/o.late Manik Rao
R/o.Kotgir Village & Mandal Nizamabad Dist.
2 Howgir Rao S/o.late Manik Rao
R/o.Kotgir Village & Mandal Nizamabad Dist.
3 Umakanth Rao S/o.late Manik Rao
R/o.Kotgir Village & Mandal Nizamabad Dist.

...PETITIONERS

AND

1 The Dist. Collector, Nizamabad
2 The Revenue Divl. Office, Bodhan
3 The Superintending Engineer, I & P.D. Division Nizamabad
4 The Executive Engineer, I & P.D. Division Nizamabad
5 The Dy.Executive Engineer, I & P.D. Division Nizamabad

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of the writ of mandamus directing the respondents herein to initiate the land acquisition Procgs., in respect of the Lands in Sy.Nos.206, extent Ac.10-04 gts., Sy. No.207 extent Ac.11.25 gts:Sy.No.208 Extent ac.17.24 gts; Sy.no. 209 – 10.18 guntas Sy.no.210 extent Ac.17.06 gts and Sy.no.213 extent 0-10 gts., situated in Kotgir Vg., & mandal, Nizamabad Dist., which were submerged while restoring the large tank of Yadgarpur tank, situated in Yadgarpur village and complete the acquisition proceedings including the proceedings of award, payment of compensation withing 3 months from the date of the order by duly declaring the inaction of the respondents in not resorting to the provisions of LA Act though the petitioners lands were submerged in the year 1965 as illegal, arbitrary and contrary to the provisions of Art.300-A of the

constitution of india.

Counsel for the Petitioner: MR.V.RAVI KIRAN RAO

Counsel for the Respondent No.: G.P FOR REVENUE & G.P FOR IRRIGATION .

The Court made the following :

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO. 21504 OF 1994

ORDER:-

Heard. Petitioners herein claims to be the owners of the land in S.Nos. 206, 207, 208, 209, 210 and 213 situate in Kotgir village and Mandal, Nizamabad District seek writ of Mandamus directing the respondents to initiate appropriate proceedings under the Land Acquisition Act and pay the compensation having regard to the fact that their lands have been submerged in the Yadgarpur Tank in view of the construction of Yadgarpur Tank in the year 1965.

The case of the petitioners, in brief, is that the said lands were submerged for no fault of them and they are deprived of their legitimate claim of compensation.

In the counter-affidavit, it is stated that the tank was restored long back and at that time certain proposals were made by the concerned R.D.O. and the same remained as such. In view of the long delay, it is not open to the petitioners to make any such request.

Considering the submissions made on either side and on perusal of the material on record, it is seen that there has been considerable delay even on the part of the petitioners in approaching the authorities or this Court, especially when the lands were submerged long back. In those circumstances, I do not find any point to exercise my discretion at this late hour.

Accordingly, this writ petition is dismissed. No costs.

09—07—2004.

Stv/-

To

1 The Dist. Collector, Nizamabad
2 The Revenue Divl. Office, Bodhan
3 The Superintending Engineer, I & P.D. Division Nizamabad
4 The Executive Engineer, I & P.D. Division Nizamabad
5 The Dy.Executive Engineer, I & P.D. Division Nizamabad

6 Two CCs to the G.P for Revenue, High Court Buildings, Hyderabad (O.U.T)

7 Two CCS to the G.P for Irrigation,High court Buildings, ;Hyderabad

(O.U.T)

8 One spare copy.